

EXHIBIT 78

SECOND MAO DECLARATION PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

MATERIAL SOUGHT TO BE SEALED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANIBAL RODRIGUEZ, et al.,
Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No.

3:20-cv-04688-RS

HIGHLY CONFIDENTIAL -
ATTORNEYS' EYES ONLY
ZOOM VIDEOTAPED DEPOSITION OF
DONNA L. HOFFMAN, Ph.D.
Tuesday, July 11, 2023
10:15 a.m. PDT

TAKEN BY:

ALEXANDER FRAWLEY, ESQ.
ATTORNEY FOR PLAINTIFF

REPORTED BY:

BELLE VIVIENNE, RPR, CRR, NJ-CRR,
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1 Q. And this time, Google 17:28:08
2 Account is written with two capital 17:28:10
3 letters, correct, capital G, capital A? 17:28:13
4 A. Yes. 17:28:15
5 Q. Do you know whether there's 17:28:16
6 a difference between your account with a 17:28:19
7 lower case A and your Google Account with 17:28:21
8 a capital G and a capital A? 17:28:23
9 MS. AGNOLUCCI: Object to form 17:28:26
10 and scope. 17:28:27
11 A. I have no idea. 17:28:28
12 BY MR. FRAWLEY: 17:28:28
13 Q. Do you think that the Google 17:28:34
14 Privacy Policy provides context for this 17:28:37
15 document? 17:28:38
16 A. Yes. 17:28:40
17 Q. Does this document provide 17:28:42
18 context for the Google Privacy Policy? 17:28:43
19 A. Yes. 17:28:46
20 Q. Do you have an opinion about 17:29:02
21 whether this document informs users 17:29:03
22 whether Google Analytics for Firebase 17:29:06
23 will collect data when WAA and sWAA are 17:29:09
24 off? 17:29:12
25 MS. AGNOLUCCI: Object to form 17:29:14

1 and scope. 17:29:14

2 A. I can't render an opinion on 17:29:16

3 that because I did not consider that in 17:29:18

4 my rebuttal. 17:29:20

5 BY MR. FRAWLEY: 17:29:20

6 Q. Dr. Hoffman, we've been 17:29:46

7 talking about a lot of different 17:29:48

8 disclosures just now, right? 17:29:49

9 A. Yes. 17:29:51

10 Q. We talked about the privacy 17:29:53

11 policy, right? 17:29:54

12 A. Yes. 17:29:55

13 Q. We talked about the Google 17:29:57

14 WAA Help Page, right? 17:30:02

15 A. Yes. 17:30:03

16 Q. We talked about the Activity 17:30:03

17 Controls page, right? 17:30:07

18 A. Yes. 17:30:07

19 Q. We talked about this page in 17:30:08

20 front of you marked as Exhibit 16 that's 17:30:10

21 titled Web & App Activity Is Off, right? 17:30:13

22 A. Yes. 17:30:15

23 Q. In any of those documents, 17:30:18

24 have you been able to identify a 17:30:19

25 definition that Google provides to users 17:30:21

1 of the term "Google account"? 17:30:24

2 MS. AGNOLUCCI: Object to form 17:30:26

3 and scope. 17:30:31

4 A. I -- I will answer again 17:30:32

5 that consumers have a lay understanding 17:30:33

6 of what it means to have an account on 17:30:35

7 online services including Google. 17:30:38

8 BY MR. FRAWLEY: 17:30:38

9 Q. So does that mean that in 17:30:44

10 your view it isn't necessary for Google 17:30:45

11 to provide a definition of "Google 17:30:49

12 account"? 17:30:52

13 MS. AGNOLUCCI: Object to form. 17:30:52

14 A. In my rebuttal report, I did 17:30:53

15 not consider whether it was necessary to 17:30:56

16 provide consumers with a definition of 17:30:59

17 "Google account." 17:31:03

18 BY MR. FRAWLEY: 17:31:03

19 Q. So I'll ask my question 17:31:09

20 again because I don't think you answered 17:31:10

21 it. 17:31:15

22 In any of the disclosures 17:31:15

23 that we have been discussing just now, 17:31:17

24 have you been able to identify a 17:31:17

25 definition that Google provides to users 17:31:18

1 of the term "Google account"? 17:31:20

2 A. I believe I have answered it 17:31:25

3 on every page you've asked me, I have 17:31:27

4 indicated that, two things, the first one 17:31:29

5 is that I believe consumers have a lay 17:31:32

6 understanding of what it means to have a 17:31:34

7 Google account. 17:31:36

8 And the second thing I have 17:31:38

9 noted that there is no header on any of 17:31:40

10 these pages that says something to the 17:31:43

11 effect of, here is the definition of 17:31:45

12 "Google account." 17:31:49

13 Excuse me, can we take a 17:31:57

14 five-minute break, please? 17:31:58

15 Q. Of course. 17:32:00

16 MR. FRAWLEY: I'm happy to go 17:32:02

17 off the record. 17:32:03

18 THE VIDEOGRAPHER: Going off the 17:32:04

19 record. The time is 5:32 p.m. 17:32:05

20 (Whereupon, a brief recess is 17:32:05

21 taken.) 17:38:37

22 THE VIDEOGRAPHER: We're back on 17:38:37

23 the record. The time is 5:38 p.m. 17:38:57

24 BY MR. FRAWLEY: 17:38:57

25 Q. Dr. Hoffman, I just have 17:39:03

1 a -- one -- one more question about each 17:39:05
2 of the disclosures we just ran through. 17:39:06
3 So let's start with Exhibit 13; Activity 17:39:09
4 Controls page. Do you have that up? 17:39:14
5 A. I do. 17:39:15
6 Q. Do you have any opinion 17:39:15
7 about whether or not this page informs 17:39:17
8 users that Google will collect data 17:39:20
9 through the Google Mobile Ads SDK when 17:39:25
10 WAA and sWAA are off? 17:39:29
11 A. That's outside the scope of 17:39:32
12 my rebuttal so I cannot render an 17:39:33
13 opinion. 17:39:36
14 Q. Okay. Can you look at 17:39:39
15 Exhibit 14, which is the WAA Help Page? 17:39:44
16 A. I have it up. 17:39:56
17 Q. You have it up, Dr. Hoffman? 17:39:58
18 A. Yes, I do. 17:40:00
19 Q. Do you have any opinion 17:40:01
20 about whether the WAA Help Page informs 17:40:06
21 users that Google will collect data 17:40:10
22 through the Google Mobile Ads SDK when 17:40:11
23 WAA and sWAA are off? 17:40:15
24 MS. AGNOLUCCI: Object to form. 17:40:17
25 A. I did not specifically 17:40:18